

Section 5

Regional and Local Agency

Responses

Section 5

Responses to Regional and Local Agency Comments

This section contains the responses to comments submitted by regional and local agencies.

City of Fruit Heights

Comment Number LA-1-1

Response The City of Fruit Heights' support for the Legacy Parkway project is noted.

Utah Transit Authority

Comment Number LA-2-1

Response UTA's support of the Shared Solution and immediate construction of the proposed action is noted.

Comment Number LA-2-2

Response UTA's participation in the Supplemental EIS analysis and concurrence that the analysis supports the need for all components of the Shared Solution are noted.

Comment Number LA-2-3

Response UTA's participation and cooperation in the development of the Legacy Parkway project is noted.

City of Centerville

Comment Number LA-3-1

Response Centerville City's support for Legacy Parkway as proposed in the Supplemental EIS is noted.

Comment Number LA-3-2

Response Centerville City's concern that the Redwood Road Alternative does not provide an alternative route through the entire length of Centerville is noted.

Comment Number LA-3-3

Response Section 2.4, *Sequencing of the Shared Solution*, of the Supplemental EIS describes the impacts of alternative sequencing of construction of the components of the Shared Solution.

Comment Number LA-3-4

Response The commenter's support for the proposed Legacy Parkway and Legacy Nature Preserve are noted. UDOT will continue to work closely with Centerville City to resolve concerns regarding maintenance of drainage channels in the Legacy Nature Preserve.

West Bountiful City

Comment Number LA-4-1

Response It is acknowledged that the City of West Bountiful passed and adopted on February 15, 2005, Resolution #195-05, in support of the Legacy Parkway project.

Comment Number LA-4-2

Response It is noted that the commenter is in favor of Alternative C or Alternative E with listed amenities. Community impacts associated with the build alternatives are discussed in Sections 4.3, *Social*, and 4.4, *Relocations*, of the Supplemental EIS.

Woods Cross City

Comment Number LA-5-1

Response It is noted that the City of Woods Cross concurs with the findings in the Supplemental EIS that the D&RG Alternative would have substantial community impacts. Community impacts associated with the D&RG Alternative are discussed in Section 2.2.3.1, *Impacts on Existing Development*, of the Supplemental EIS.

Comment Number LA-5-2

Response It is acknowledged that constructing a build alternative in the D&RG regional alignment would leave land open to development, including land currently within the proposed Legacy Nature Preserve, because the size and configuration of the mitigation area would change with implementation of a D&RG alignment. However, this eventuality is not addressed in the Supplemental EIS because the D&RG regional corridor was eliminated as unreasonable and impracticable during the screening process, as described in Chapter 3, *Alternatives*; accordingly, it was not necessary to analyze and disclose the full range of impacts of alignments in that corridor.

The Legacy Nature Preserve was originally established to mitigate wetland and wildlife impacts associated with Alternative D (Final EIS Preferred Alternative) and now for Alternative E (Supplemental EIS Preferred Alternative).

Comment Number LA-5-3

Response The concerns of Woods Cross regarding community impacts resulting from construction of Legacy Parkway are noted. Community impacts associated with

each of the build alternatives are discussed in Sections 4.3, *Social*, and 4.4, *Relocations*, of the Supplemental EIS.

Comment Number LA-5-4

Response The wildlife habitats in the project study area are not considered pristine. The conditions of these habitats are addressed in Section 4.13.2.5, *Existing Conditions Related to Wildlife Habitats in Project Study Area*, of the Supplemental EIS. These areas have experienced considerable modification from historic pristine conditions, but still provide valuable habitat for numerous wildlife species. The species associated with each habitat type that occur or could potentially occur in the project study area are identified in Tables 4-13-1a and b of the Supplemental EIS.

Comment Number LA-5-5

Response It is not uncommon for members of the public, including special interest groups, to submit recommended alternatives to federal lead agencies during the public comment period in a NEPA process. It is agreed that land use planning decisions are the responsibility of local jurisdictions, and that the federal lead agencies have coordinated with local officials in evaluating potential alternatives. As part of preparing the Supplemental EIS, local land use plans were reviewed for any relevant updates.

It is noted that the Redwood Road Alternative is inconsistent with the *Woods Cross City General Plan* and that Woods Cross City does not support the Redwood Road Alternative as proposed by UBET. A description and analysis of the UBET Alternative are provided in Section 3.2, *Additional Project Alternatives Evaluated in This Supplement EIS but Eliminated from Detailed Study*, of the Final Supplemental EIS.

Comment Number LA-6-1

Response Receipt of a copy of the correspondence between Woods Cross City and UBET is hereby acknowledged.

Davis County

Comment Number LA-7-1

Response It is noted that Davis County concurs with the findings in the Supplemental EIS that the D&RG Alternative would have substantial community impacts. Community impacts associated with the D&RG Alternative are discussed in Section 2.2.3.1, *Impacts on Existing Development*, of the Supplemental EIS.

Comment Number LA-7-2

Response Each section in Chapter 4, *Supplemental Environmental Analysis*, of the Final Supplemental EIS presents detailed impact information for a *future conditions* No-Build Alternative. The future conditions No-Build Alternative is presented to illustrate what impacts might occur in the future if Legacy Parkway is not constructed. These are impacts beyond those already accounted for in the existing conditions No-Build Alternative (i.e., impacts associated with the Wasatch Front Urban Area Long Range Transportation Plan). Such impacts could include

development in the proposed Legacy Nature Preserve if Legacy Parkway is not constructed.

Section 4.12.3, *Environmental Consequences and Mitigation Measures*, of the Supplemental EIS discloses that, at the current rate of development, the areas between the existing developed areas east of the proposed Legacy Parkway and Great Salt Lake will likely be developed by 2020. This section quantifies the acreage of wetland habitat types that would likely be lost under future build-out conditions, and states that wetland resources in the project study area would be either directly or indirectly affected by planned development in the future if Legacy Parkway were not constructed.

Comment Number LA-7-3

Response Davis County's support for retaining the trail and landscaped areas as part of the Legacy Parkway project is noted.

Comment Number LA-7-4

Response The less-than-pristine character of wildlife habitats in the project study area is recognized in Section 4.13.2.5, *Existing Conditions Related to Wildlife Habitats in Project Study Area*, of the Supplemental EIS. These areas, however, provide important habitat for numerous wildlife species. The species associated with each habitat type that occur or could potentially occur in the project study area are identified in Tables 4-13-1a and b of the Supplemental EIS. The potential benefit of the Legacy Nature Preserve with regard to protection of existing wildlife habitat from future development is described in Section 4.13.3.14, *Mitigation Measures*.

Comment Number LA-7-5

Response The federal lead agencies concur that development will continue at present trends until build-out, regardless of whether Legacy Parkway is constructed. The Supplemental EIS acknowledges that the population of Davis County at build-out could be slightly less under the proposed action than under the No-Build Alternative because of the removal of developable land for establishment of the Legacy Nature Preserve. See Section 4.1.3.3, *Impacts on Growth within and beyond the North Corridor*, of the Supplemental EIS.

Comment Number LA-7-6

Response The federal lead agencies provided a detailed description of the UBET Alternative to UBET in a letter dated April 12, 2005. The purpose of the letter was to confirm the agencies' interpretation of the alternative's components and assumptions, based on the comment letter received by UBET in March 2005 during the public comment period on the Draft Supplemental EIS. That description is available to the public, and was provided to Davis County. A description and analysis of the UBET Alternative are provided in Section 3.2, *Additional Project Alternatives Evaluated in This Supplement EIS but Eliminated from Detailed Study*, of the Final Supplemental EIS. A public comment period will follow publication of the Final Supplemental EIS, during which time comments on the UBET Alternative may be submitted to the lead agencies.

Wasatch Front Regional Council

Comment Number LA-8-1

Response As stated in Section 1.1.3, *Purpose of Legacy Parkway Project*, the primary purpose of the proposed action is to help meet a portion of the transportation and mobility needs in the North Corridor through 2020, as supported in the CMS. The secondary purpose is to provide a single, continuous alternate north-south route through the North Corridor to maintain circulation and access for emergency service vehicles and other traffic when I-15 is closed, congested, or under construction. Although the primary purpose addresses planning for future traffic needs, the secondary purpose acknowledges that there are existing capacity problems on I-15, particularly during an accident or other incident that reduces the capacity of I-15 in the corridor. These existing traffic problems would also be addressed by the proposed Legacy Parkway.

Comment Number LA-8-2

Response Table 3-3 in Section 3.1.6, *Reevaluation of Project Alternatives Using Revised Traffic Demand Model*, has been corrected in the Final Supplemental EIS to indicate that I-15 under the Redwood Road Arterial Alternative has 10 lanes (including two HOV lanes), rather than eight lanes as was inadvertently stated in the Draft Supplemental EIS.

Comment Number LA-8-3

Response EPA originally approved the SIP on July 8, 1994. The Utah County portion of the plan was amended in 2002 and approved in December 2002. The text in Section 4.8.3.2, *Mesoscale Evaluation*, of the Supplemental EIS has been modified to clarify the original approval date and the amended date.

Comments

LA-1

From Todd Stevenson [tstevenson@fruithightscity.com]

Sent Sat 1/8/2005 4 11 PM

To Legacy

Cc

Subject Public comment for Legacy Parkway

Attachments

My name is Todd Stevenson. I am a member of the Fruit Heights City Council and am commenting in my official position as a council member. Our council, representing Fruit Heights City, a city of approximately 5000 residents, has been solidly in favor of the Legacy Parkway, and are anxious to see it built. We have unanimously passed 2 resolutions in support of the project in the past 4 years. Although I haven't spoken to every one in our city, I can say that I have never spoken to anyone in Fruit Heights who is against the project. It is needed for our economic well being, since a large part of our citizens commute to Salt Lake County each day for work.

I want to say also that I am strongly in favor of the Commuter Rail System, in addition to Legacy Parkway as part of a transportation master plan, and am glad that mixed transportation alternatives are being planned and developed.

Thank you very much for your hard work.

Sincerely,

Todd Stevenson

Fruit Heights City Councilmember

801-546-4007

tstevenson@fruithightscity.com



LA-2
RECEIVED DEC 28 2004

December 17, 2004

Greg Punske, Environmental Program Manager
Federal Highway Administration - Utah Division
2520 W 4700 South, Suite 9A
Salt Lake City, UT 84118

Dear Mr. Punske:

The Utah Transit Authority would like to provide an early response to the release of the Draft Supplemental Environmental Impact Statement for the Legacy Parkway by the Federal Highway Administration and the U.S. Army Corps of Engineers. The Transit Authority is pleased that the supplemental impact statement continues to support a multimodal solution. We also want it to be clear that UTA supports the immediate construction of Legacy Parkway as part of that solution.

We have been developing the public transportation system based on the conclusion that a combination of transit and highway improvements will be necessary to meet the transportation demands of the corridor from Salt Lake City to Farmington. The Weber County to Salt Lake City Commuter Rail project which is the primary transit element of the multimodal solution is progressing on schedule to an opening in the fall of 2007. The final environmental impact statement for Commuter Rail is ready for signature at this time, and we expect a record of decision before March of 2005. Early construction efforts are expected to begin immediately after the record of decision is received.

We have been involved in the analysis of alternatives, the sequencing and integration of the elements of the multimodal solution for the north corridor, and we continue to be quite comfortable with the conclusion that a combination of highway and transit improvements is necessary and appropriate in this corridor. We have reviewed the analysis of transit's share of the market and are confident that the transit system can meet the expectation. We also concur with the conclusion of the analysis that even with the successful implementation of a package of transit improvements in the corridor, Legacy Parkway is clearly needed. The growth that is anticipated and the narrow corridor will require the combination of improvements proposed.


In addition to commuter rail, we expect to add a fixed guideway transit service that is designed specifically for Southern Davis County as funding becomes available. The analysis done for the Legacy Parkway Draft Supplemental EIS and the planning level analysis that has been done for the South Davis corridor both support the need for Legacy Parkway and the eventual widening of Interstate 15 along with the transit improvements.

UTAH TRANSIT AUTHORITY

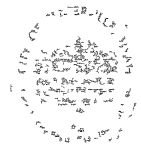
We have very much appreciated the unprecedented level of cooperation between UDOT Leaders, the UDOT Legacy team, the Federal Highway Administration, the Corps of Engineers, and our Commuter Rail team as we have endeavored to prepare parallel environmental documents. We feel like the process is a model for future projects. The continuous exchange of information has allowed us to each prepare documents that are consistent and meet the needs of our individual projects.

We will make a more thorough review of the document and may have more detailed comments at a later date. If we can provide any further information please contact me or Steve Meyer of our Commuter Rail team (287-2538).

Sincerely,


John English
General Manager

3

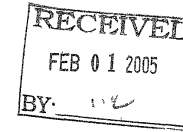


CENTERVILLE CITY

January 28, 2005

RECEIVED FEB 2 2005

LA-3



Mr. Gregory Punske
Federal Highway Administration
2520 West 4700 South, Suite 9A
Salt Lake City, Utah 84118-1847

Nancy Kang
U.S. Army Corps of Engineers
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744

Dear Mr. Punske and Ms. Kang

The Centerville Mayor and City Council, on behalf of the residents of Centerville, unanimously support the Legacy Parkway as proposed in the Draft Supplemental Environmental Impact Statement (DSEIS). We believe the Utah Department of Transportation has fairly and thoroughly examined and responded to the five issues identified by the Court of Appeals for further analysis.

I-15 is the **only** multi-lane north-south roadway through our community, the pinch-point for Davis County commuter and trucking traffic. We must have an alternate "throughway" other than our local streets. The alternative of extending/upgrading Redwood Road to Parrish Lane in Centerville—as proposed by some opposition groups—would not provide an alternative road through the entire length of Centerville. Accidents or other closure of I-15 push freeway-level traffic onto one-lane roads in our community, causing congestion and gridlock and creating a safety hazard by limiting the mobility of our citizens and emergency response vehicles.

We also support the construction of a commuter rail line as part of a shared transportation solution. However, further postponement of the Legacy Parkway to allow the impact of commuter rail to be realized first would be detrimental to our community, which continues to bear the most direct and severe impact of congestion and traffic stoppages on I-15. Under the most optimistic assumptions about ridership, commuter rail would not be an adequate solution, even in the short term, and does not include a stop in Centerville.

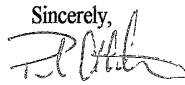
We also support the creation of the Legacy Nature Preserve as an offset to the environmental impact of the highway. Centerville City owns 109 acres of industrially-zoned property within the area designated for the Nature Preserve. We are willing to forego the development of that land if the Legacy Parkway is built. The City has not yet sold its property to UDOT due to unresolved issues relating to the City's rights to maintain drainage channels through the Nature Preserve. These

Mr Gregory Punske
Ms Nancy Kang
January 28, 2005
Page 2

concerns need to be adequately addressed by UDOT before the City agrees to close on the sale of its property

Please enter this letter into your record as Centerville City's official response to the DSEIS
Thanks for the opportunity to comment

Michael L Deamer
Mayor

Sincerely,

Paul Cutler
Council Member


Jack Dellastatous
Council Member

David R Gutke
Council Member


R Dean Layton,
Council Member


Debbie L Randall
Council Member

cc John Thomas, UDOT Legacy Parkway Project Director

Mayor
Carl Martin

City Council
James Behunin
Roy O. Johnson
DeVan Pack
Bonnie Sorenson
Jeff Tingey

West Bountiful City

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355

February 14, 2005

RECEIVED FEB 23 2005

City Administrator
Wendell W. Wild

Recorder/Admin. Assist.
Beverly Haslam

Finance Director
Kimball Ball

Engineer
Bill Flanders

Chief of Police
Mike Wright

Mr. John R. Njord
Executive Director
Utah Department of Transportation
4501 South 2700 West
Salt Lake City, Utah 84119-4338

Re: West Bountiful City's Support of Legacy Parkway

Dear Mr. Njord:

As the Mayor and City Council Members of West Bountiful City. We believe it is necessary to reiterate our position on the Legacy Parkway formerly known as West Davis Highway or the Western Transportation Corridor, which has been planned or on the drawing boards for more than 50 years.

As a City we plan to approve Resolution #195-05 affirming West Bountiful's support for the Legacy Parkway and requesting the Army Corps of Engineers and Federal Highway Administration reject the "Redwood Road Alternative" proposed by the Sierra Club & Utahns for Better Transportation.

To continue delaying the Parkway construction has an adverse impact on our community, residents, school children, including the many people needing to travel north and south, by and through our City. There are so many reasons for completing the project, one of the greatest being the safety of both residents and drivers. Not only Davis and Weber Counties are suffering, but the entire state, by the delay of this necessary project.

We understand there may need to be some adjustments made to the width of the Parkway, but maintain that it should be completed as near the original design as possible. The best corridor for our community continues to be what has been referred to as the Locally Preferred Alignment, the Westerly Alignment or what has also been known as Alignment "C". Any other alignment would have a devastating effect on our community. Even with the Preferred Alignment, the Parkway will have some adverse impacts to our City. We therefore expect the amenities previously discussed and promised West Bountiful. Its construction; i.e., no interchanges other than 500 South and Parrish Lane and construction access only at those points; no vehicle or pedestrian overpass at Page's Lane (1600 North); barrier fencing during and after construction; landscaped berm or buffer with paved and equestrian trails tying to City trails; adequate drainage and utilities underneath and on the Parkway, including lighting and other safety designs for trail and Parkway users.

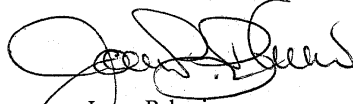
LA-4


In conclusion, West Bountiful City remains united with an overwhelming majority of citizens and residents in our cities, counties, and the entire state supporting the Legacy Parkway. Your untiring efforts on the part of all of us are truly appreciated so that we can see this most important project completed as soon as possible and without further delays. We thank you for welcoming our viewpoint and considering our comments.

Sincerely,

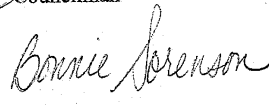
West Bountiful City Council:

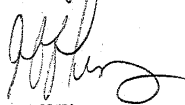

Carl Martin
Mayor


James Behunin
Councilman


Roy O. Johnson
Councilman


DeVan Pack
Councilman


Bonnie Sorenson
Councilwoman


Jeff Tingey
Councilman

cc: Governor Jon M. Huntsman Jr.
Senator Robert Bennett
Congressman Rob Bishop
Senator Dan Eastman
Representative Roger Barrus
John Thomas - Legacy Parkway Director
Greg Punske - Federal Highway Admin.
Robert Roberts - NEPA
Larry Fvoboda - NEPA
Davis County Commission
Chris Dallin - Davis Chamber of Commerce
Lane Beattie - Salt Lake Chamber of Commerce

LA-4

RESOLUTION#198-05
A RESOLUTION AFFIRMING WEST BOUNTIFUL CITY'S SUPPORT FOR THE LEGACY PARKWAY AND REQUESTING THE ARMY CORPS OF ENGINEERS AND FEDERAL HIGHWAY ADMINISTRATION REJECT THE "REDWOOD ROAD ALTERNATIVE" PROPOSED BY THE SIERRA CLUB & UTAH'S FOR BETTER TRANSPORTATION.

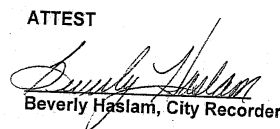
- Whereas: The Sierra Club and Utah's for Better Transportation have formulated a "Redwood Road" alternative to the Proposed Legacy Parkway that utilizes an arterial highway consisting of an extension of Redwood Road and the Frontage Road east of I-15 north of Parrish Lane;
- Whereas: This alternative was developed without any input from West Bountiful elected officials or residents and does not conform with the General Plan;
- Whereas: has the authority to develop a General Plan to guide the use and development of land under UCA 10-9-102;
- Whereas: In January 1998 the Western Transportation Corridor Major Investment Study eliminated the alternative of arterial streets such as Redwood Road for future consideration as arterial streets were found not to meet the purpose and need for a Major Transportation Investment in Davis County. This finding was substantiated in the September 1998 Legacy Parkway DEIS;
- Whereas: West Bountiful City has relied upon the findings of the Western Transportation Corridor Major Investment Study and similar studies to develop it's General Plan.

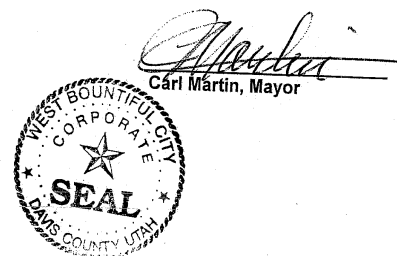
THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WEST BOUNTIFUL STATE OF UTAH ON THIS 15TH DAY OF FEBRUARY, 2005.

- (1) West Bountiful City affirms it's support for the preferred alternative of the Legacy Parkway as approved by the U.S. Army Corps of Engineers and the Federal Highway Administration.
- (2) West Bountiful City urges the U.S. Army Corps of Engineers and Federal Highway Administration to reject the Redwood Road Alternative proposed by the Sierra Club and Utah's for Better Transportation on the grounds it conflicts with the West Bountiful City General Plan and displaces many in our community and has a devastating effect upon our city by separating our community and impairing our ability to provide emergency services, etc.

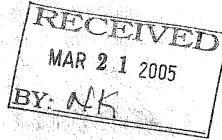
PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST BOUNTIFUL, STATE OF UTAH, ON THIS 15TH DAY OF FEBRUARY, 2005

ATTEST


Beverly Haslam, City Recorder



Comment on Legacy Parkway SEIS
Submitted by
Gary Uresk
City Administrator
Woods Cross City



I have reviewed the Legacy Parkway draft supplemental environmental impact statement dated December 2004 for the City of Woods Cross and agree with the findings in the report and concur with the revised proposed action outlined on Summary Page 8.

After review of the document it is the opinion of Woods Cross City the five areas required by the Court are adequately addressed and correct conclusions are drawn from the review.

Woods Cross City strongly concurs with the findings concerning the Denver & Rio Grande alternative. The Denver Rio Grande alternative would have serious impacts upon community cohesion since it would physically separate neighborhoods seriously impairing the social interactions of these neighborhoods. Since the area located between the Denver & Rio Grande alignment and I-15 contains viable residential neighborhoods and business's the location of the highway in this location would have a devastating effect on the community.

It is the opinion of Woods Cross City the SEIS should clarify that hundreds of acres of land west of the Parkway would be open for development if the federal agencies decide the Legacy Parkway should be built along the D & RG alignment. Since the D & RG alignment is further east and less wetlands are affected the Legacy Nature Preserve would be modified to reflect these changes.

Woods Cross City has supported since the inception of the project the parkway concept with trails, berms and other amenities to help offset the negative impacts of this transportation corridor through the City. Woods Cross City still strongly supports the trails and other amenities. Just because highways can be built in urban areas with no median and tons of concrete retaining walls does not mean it is the most practical way to build a highway, especially when you seriously consider the impacts on the community. Woods Cross City would like to see the Legacy Parkway built in a safe, cost effective and responsible manner. This means building the Parkway in such a way that it adds to the livability of a community rather than detracting from it.

The SEIS provides extensive, detailed information on wildlife that is very misleading because it appears that the Legacy Parkway project area is, located in a pristine wildlife habitat. In reality the land immediately adjacent to the Legacy parkway is a far cry from pristine wildlife habitat. This area has long had a mixture of pasture, cropland, industrial zones and residential areas. Much of this area should be considered as crop and grazing land as far as wildlife is concerned.

In summation, Woods Cross City affirms its concurrence with the draft supplemental environmental study and its support of the alignment previously approved by the Corps of Engineers and the Federal Highway Administration.

It is also the understanding of Wood Cross City that the Sierra Club and Utahns for Better Transportation have submitted a "Citizens Smart Growth Alternative" which

includes a alternative route for the Legacy Parkway which follows the existing Redwood Road alignment through the City of Woods Cross. The details of the proposed Redwood road alignment have not been released to the City for our review even though we have requested that the Sierra Club and UBET share them with us. We believe it highly irregular for special interest groups to submit a plan for approval by Federal agencies prior to obtaining local government input.

Land use is a local matter as was rightly pointed out by the Tenth Circuit Court in its opinion on the Legacy Parkway case. Woods Cross City receives its authority to develop a General Plan to guide the use and development of land under Utah Code Section 10-9-102. (See exhibit I). Furthermore, Section 10-9-302 UCA outlines the specifics of said General Plans, which includes transportation planning (See exhibit II). Woods Cross City has been delegated the responsibility to plan for these facilities by the State Legislature and would respectfully point out that the Sierra Club and Utahns for Better Transportation have no authority under State Law to prepare transportation plans or any other types of land use documents within the boundaries of Woods Cross City or any other local jurisdiction within the State of Utah. Woods Cross City requests the Corps of Engineers and the FHWA summarily reject the proposal made by the special interest groups on the grounds they have not gone through the appropriate planning process.

Woods Cross City has relied upon findings of various planning studies to help formulate a General Plan for the growth and development of the City. From what we have been able to ascertain about it, the plan proposed by the Sierra Club and UBET is inconsistent with the Woods Cross City General Plan, and impractical due to that inconsistency. The use of Redwood Road as planned by the Sierra Club and UBET was conceptually reviewed early on in the planning process and was rejected as impractical on the basis it did not meet the purpose and need of a major transportation corridor through Southern Davis County.

Woods Cross City has acted in good faith upon the findings of earlier planning documents to develop its current General Plan, which includes plans for the use and design of Redwood Road. The documents relied upon are as follows:

1. Western Transportation Corridor Major Investment Study, January 1998.
This document was developed by the Wasatch Front Regional Council to analyze the need for an investment in a major transportation corridor Southern Davis County. Page 2-18 of the study indicates that all arterial and collector alternatives are eliminated as alternatives for further study on the basis that there are major operational flaws such as lower capacity and potential usage, and lower speeds. They were also determined to lack the free flowing capacity for public safety and emergency response.
2. The Legacy Parkway Draft and Environmental Impact Statement, September 1998.
On page 1-27 of that document the following is stated, "As just stated, significant capacity improvements of the existing arterial system are not possible. Any excess capacity in the adjacent street system will be fully utilized as buildout occurs in the North Corridor. Thus, any improvements made to the arterial system cannot help satisfy the 2020 unmet transportation demand".
3. Findings of the Tenth Circuit Court
In the decision rendered by the Tenth Circuit Court, the Court determined the Denver and Rio Grande alternative was not fully explored and required further study of this alternative. However, no mention was made by the Court that any other alternative such as Redwood Road had not been sufficiently explored. Woods Cross

LA-5

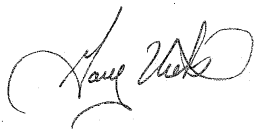
City has relied upon the findings of the Court in this case that the Denver and Rio Grande right-of-way is the only road alternative within the City's jurisdiction that was not fully explored by the Federal Agencies in making the decision on the Legacy Parkway.

Using these documents as a guide Woods Cross City has proceeded in developing a General Plan that does not identify Redwood Road as a major arterial carrying the types of traffic that would be required were it to replace the Legacy Parkway. We have worked extensively with UDOT to develop an access management plan for Redwood Road which is incorporated into the City's General Plan (see exhibit II). Within the last 3 months the City has approved development agreements for the development of property adjacent to Redwood Road. These developments conform with the City's General Plan, but not with proposed Redwood Road alternative. It is the position of the City that the Alternative proposed by the Sierra Club and UBET does not conform with the City's General Plan and would be harmful to existing, planned, and future development within the City. The use of Redwood Road as proposed by the Sierra Club and UBET is impractical considering the huge disparity between their plans for the road and the plan for the road as outlined in the Woods Cross City General Plan.

Woods Cross City requests the Corps of Engineers and the Federal Highway Administration reject the Redwood alternative as an alternative that has been previously studied and rejected as impractical on the grounds that it will not meet the purpose and needs of the North Corridor facility designed to meet 2020 travel demand, and that their proposed alternative has been developed without appropriate consideration of local government plans.

Please find enclosed a copy of resolution adopted by the Woods Cross City Council formally requesting the U.S. Army Corps of Engineers and Federal Highway Administration to reject the Redwood road Alternative for the reasons stated above.

Enc.



Woods Cross City
1555 South 800 West
Woods Cross, Utah 84087

292-4421

5

Exhibit I

LA-5

397

UTAH MUNICIPAL CODE

10-9-103

Section
10-9-106.5.
10-9-107.
10-9-108.

Manufactured homes.
Limit on plan check fees.
Regulation of amateur radio antennas.

Section
10-9-707.
10-9-708.

Variances.
District court review of board of adjustment decision.

Part 2

Planning Commission

10-9-201. Appointment, term, vacancy, and compensation.
10-9-202. Organization and procedures.
10-9-203. Use of state data.
10-9-204. Powers and duties.
10-9-205. Entrance upon land.

Part 3

General Plan

10-9-301. General plan.
10-9-301.5. Notice of intent to prepare a general plan or amendments to a general plan in certain municipalities.
10-9-302. Plan preparation.
10-9-303. Plan adoption.
10-9-304. Amendment of plan.
10-9-305. Public uses to conform to general plan.
10-9-306. Effect of official maps.
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Part 4

Zoning

10-9-401. General powers.
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10-9-404. Temporary regulations.
10-9-405. Zoning districts.
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10-9-407. Conditional uses.
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10-9-409. Existing outdoor advertising uses.

Part 5

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10-9-501. Residential facilities for elderly persons.
10-9-502. Municipal ordinances governing elderly residential facilities.
10-9-503. Municipal approval of elderly residential facilities.
10-9-504. Elderly residential facilities in areas zoned exclusively for single-family dwellings.

Part 6

Residential Facilities for Persons with a Disability

10-9-601 to 10-9-604. Repealed.
10-9-605. Residences for persons with a disability.

Part 7

Board of Adjustment

10-9-701. Board of adjustment — Appointment — Term — Vacancy.
10-9-702. Organization — Procedures.
10-9-703. Powers and duties.
10-9-704. Appeals.
10-9-705. Routine and uncontested matters.
10-9-706. Special exceptions.

Part 8

Subdivisions

10-9-801. Enactment of subdivision ordinance.
10-9-802. Preparation — Adoption.
10-9-803. Amendments to subdivision ordinance.
10-9-804. Plats required.
10-9-805. Subdivision approval procedure.
10-9-806. Exemptions from plat requirement.
10-9-806.5. Common area parcels on a plat — No separate ownership — Ownership interest equally divided among other parcels on plat and included in description of other parcels.
10-9-807. Dedication of streets.
10-9-808. Vacating or changing a subdivision plat.
10-9-809. Notice of hearing for plat change.
10-9-810. Grounds for vacating or changing a plat.
10-9-811. Prohibited acts.

Part 9

Solar Energy Access

10-9-901. Restrictions for solar and other energy devices.

Part 10

Appeals and Enforcement

10-9-1001. Appeals.
10-9-1002. Enforcement.
10-9-1003. Penalties.

10-9-1 to 10-9-30. Repealed.

1983, 1991

Part 1

GENERAL PROVISIONS

10-9-101. Short title.

This chapter shall be known as "The Municipal Land Use Development and Management Act." 1991

10-9-102. Purpose.

To accomplish the purpose of this chapter, and in order to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster the state's agricultural and other industries, protect both urban and nonurban development, and to protect property values, municipalities may enact all ordinances, resolutions, and rules that they consider necessary for the use and development of land within the municipality, including ordinances, resolutions, and rules governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation infrastructure, public facilities, vegetation, and trees and landscaping, unless those ordinances, resolutions, or rules are expressly prohibited by law. 1992

10-9-103. Definitions — Notice.

(1) As used in this chapter:
(a) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a

Exhibit II

UTAH MUNICIPAL CODE

10-9-302

LA-5

Exhibit III

LA-5

- (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;
 - (d) the use of energy conservation and solar and renewable energy resources;
 - (e) the protection of urban development;
 - (f) the protection and promotion of air quality;
 - (g) historic preservation;
 - (h) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by affected entities and specified public utilities, as those terms are defined in Section 10-9-301.5; and
 - (i) an official map, pursuant to Title 72, Chapter 5, Part 1, Transportation Corridor Preservation.
- The municipality may determine the comprehensive extent, and format of the general plan. 2004

10-9-301.5. Notice of intent to prepare a general plan or amendments to a general plan in certain municipalities.

As used in this section:

- (i) "Affected entity" means each county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility.
 - (A) whose services or facilities are likely to require expansion or significant modification because of an intended use of land; or
 - (B) that has filed with the municipality a copy of the entity's general or long-range plan.
- (ii) "Affected entity" does not include the municipality that is required under this section to provide notice.

(b) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 64-2-1.

(2) Before preparing a proposed general plan or amendments to an existing general plan, each municipality within a county of the first or second class shall provide written notice, as provided in this section, of its intent to prepare a proposed general plan or amendments to a general plan.

(a) Each notice under Subsection (2) shall:

- (i) indicate that the municipality intends to prepare a general plan or amendments to a general plan, as the case may be;
- (ii) describe or provide a map of the geographic area that will be affected by the general plan or amendments to a general plan;

(c) be sent to:

- (i) each affected entity;
 - (ii) the Automated Geographic Reference Center created in Section 63A-6-202;
 - (iii) the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member; and
 - (iv) the state planning coordinator appointed under Section 63-38d-202;
- (d) with respect to the notice to affected entities, invite the affected entities to provide information for the municipality to consider in the process of preparing, adopting, and implementing a general plan or amendments to a general plan concerning:

- (i) impacts that the use of land proposed in the proposed general plan or amendments to a general plan may have on the affected entity; and
- (ii) uses of land within the municipality that the affected entity is planning or considering that may conflict with the proposed general plan or amendments to the general plan; and
- (e) include the address of an Internet website, if the municipality has one, and the name and telephone number of a person where more information can be obtained concerning the municipality's proposed general plan or amendments to a general plan. 2004

10-9-302. Plan preparation.

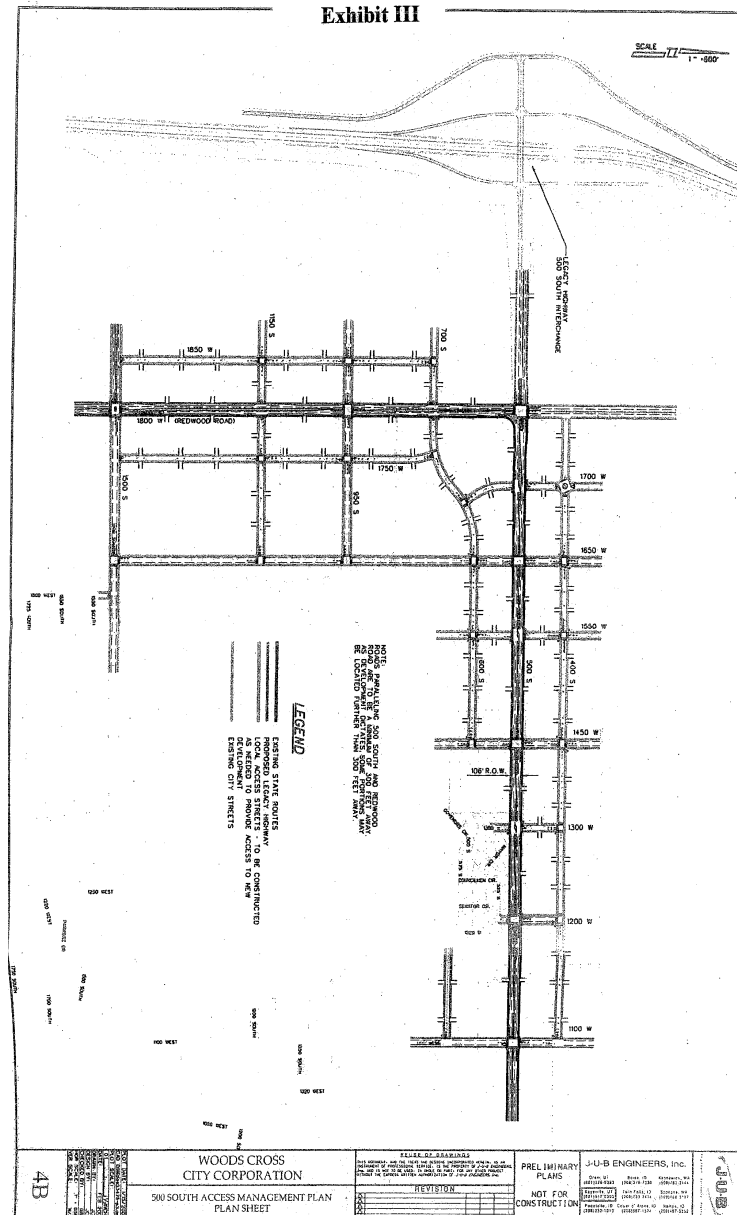
(1) (a) Subject to Section 10-9-301.5, the planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality.

(b) The plan may include areas outside the boundaries of the municipality if, in the commission's judgment, they are related to the planning of the municipality's territory.

(c) Except as otherwise provided by law, when the plan of a municipality involves territory outside the boundaries of the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.

(2) The general plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the planning commission's recommendations for the development of the territory covered by the plan, and may include, among other things:

- (a) a land use element that:
 - (i) designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
 - (ii) may include a statement of the standards of population density and building intensity recommended for the various land use categories covered by the plan;
- (b) a transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that are appropriate, all correlated with the land use element of the plan;
- (c) an environmental element that addresses:
 - (i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
 - (ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
- (d) a public services and facilities element showing general plans for sewage, waste disposal, drainage, local utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
- (e) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
 - (i) historic preservation; and
 - (ii) the elimination of blight and for redevelopment, including housing sites, business and industrial sites, and public building sites;



LA-C-7

RESOLUTION 2005-379

LA-5

LA-6

A RESOLUTION AFFIRMING WOODS CROSS CITY'S SUPPORT FOR THE LEGACY PARKWAY AND REQUESTING THE ARMY CORPS OF ENGINEERS AND FEDERAL HIGHWAY ADMINISTRATION REJECT THE "REDWOOD ROAD ALTERNATIVE" PROPOSED BY THE SIERRA CLUB & UTAH'S FOR BETTER TRANSPORTATION.

Whereas: The Sierra Club and Utah's for Better Transportation have formulated a "Redwood Road" alternative to the Proposed Legacy Parkway that utilizes an arterial highway consisting of an extension of Redwood Road and the Frontage Road east of I-15 north of Parrish Lane;

Whereas: This alternative was developed without any input from Woods Cross City elected officials or residents and does not conform with the Woods Cross City General Plan;

Whereas: Woods Cross City has the authority to develop a General Plan to guide the use and development of land under UCA 10-9-102;

Whereas: In January 1998 the Western Transportation Corridor Major Investment Study eliminated the alternative of arterial streets such as Redwood Road for future consideration as arterial streets were found not to meet the purpose and need for a Major Transportation Investment in Davis County. This finding was substantiated in the September 1998 Legacy Parkway DEIS;

Whereas: Woods Cross City has relied upon the findings of the Western Transportation Corridor Major Investment Study and similar studies to develop its General Plan.

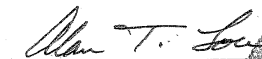
THEREFORE BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF WOODS CROSS CITY, UTAH;

- (1) Woods Cross City affirms its support for the preferred alternative of the Legacy Parkway as approved by the U.S. Army Corps of Engineers and the Federal Highway Administration.
- (2) Woods Cross City urges the U.S. Army Corps of Engineers and Federal Highway Administration to reject the Redwood Road Alternative proposed by the Sierra Club and Utah's for Better Transportation on the grounds it conflicts with the Woods Cross City General Plan.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WOODS CROSS CITY, STATE OF UTAH, ON THIS 15TH DAY OF FEBRUARY, 2005

WOODS CROSS CITY

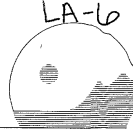
ATTEST


Alan T. Low, City Recorder




Jerry E. LaRabee, Mayor

Woods Cross City



March 14 2005

Nancy Kang
U S Army Corps of Engineers
533 West 2600 South Suite 150
Bountiful, Utah 84010-9938

Dear Nancy,

Please include the enclosed letter as an official comment from the City of Woods Cross on the Legacy Parkway project SEIS

If you have any questions, please contact me

Sincerely,


Gary Uresk
City Administrator

Enc

Woods Cross City

March 14, 2005

Roger Borgenicht
Utahn's for Better Transportation
218 East 500 South
Salt Lake City, Utah 84111

Dear Mr. Borgenicht,

Thank you for spending the time with us last Thursday going over the details of your "Citizen's Smart Growth Alternative". Unfortunately, I left the meeting with more questions than I had when the meeting began.

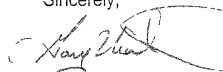
I have two requests. First, please send to me as soon as possible, a copy of the power point presentation that was made Thursday in addition to any other explanatory information you have on your alternative. Second I would like to formally request a meeting with your consultant to discuss areas where your alternative is in conflict with the Woods Cross City General Plan.

I find it unbelievable that you plan on submitting a re-designed Redwood Road to the Federal Agencies as a practical alternative to Legacy Parkway without reviewing the Woods Cross City General Plan. Proposing such a cause of action without a review of the City's General Plan would be in violation of NEPA since NEPA requires consideration of local government plans. Please be advised that if you proceed to submit an alternative to the Federal Agencies that is contrary to the plans adopted by those elected to represent the "citizens" of Woods Cross City, we will take what ever appropriate action is necessary to protect our right and duty to plan for the future of our city as delegated to us by the Utah State Legislature.

I understand from our meeting Thursday that you are of the opinion it was the responsibility of UDOT and/or the Federal Agencies to solicit input from the local government. We are of the understanding that it was your responsibility, since it is your alternative. I will be checking with UDOT and the Federal Agencies to determine exactly who was responsible.

Please send the requested information to the address below and please contact me at 292-4421 as soon as possible to set up the time to meet with your consultant.

Sincerely,



Gary Uresk
City Administrator
1555 South 800 West
Woods Cross City, Utah 84087

P C Mayor Jerry Larrabee
Woods Cross City Councilmembers
Greg Punske, Federal Highway Administration
Nancy Kang, Army Corps of Engineers

1555 South 800 West • Woods Cross, Utah 84087 • 292-4421 • Fax 292-2225

March 21, 2005

U.S. Army Corps of Engineers
533 West 2600 South
Suite 150
Bountiful, Utah 84010-9938

Attn: Legacy Parkway Project

I have reviewed in detail the draft supplemental environmental impact statement (SEIS) for the Legacy Parkway project dated December 2004 on behalf of the Davis County Department of Community & Economic Development. I find that overall, I concur with the revised proposed action as summarized on page 8 of the SEIS, and agree with its findings.

It is my opinion that the five areas which the U.S. 10th Circuit Court of Appeals required to be reconsidered were adequately addressed and correct conclusions are made in the SEIS.

We strongly concur with the findings in the document regarding the Denver & Rio Grande Western right-of-way. Use of the D&RGW right-of-way for the Parkway would have serious impacts on community cohesion, as it would create a physical barrier in existing neighborhoods and impair the social interactions that would otherwise take place there. A number of homes and community facilities would also bear significant impact from noise, light and other factors because they would be directly adjacent to the Parkway if it were built on that right-of-way, and would seriously affect the health of residents in the immediate area. The livability of the neighborhoods would be seriously impacted.

The Legacy Nature Preserve is acknowledged in the SEIS and the role it will play to mitigate for the impacts on wetlands resulting from construction of the Legacy Parkway. However, the document should note that if the Legacy Parkway is not built and the wetlands impact does not occur, the Preserve will likely cease to exist as the State of Utah sells the land to recoup the transportation dollars that were spent to acquire it. This would likely open up the land for future development. While a significant portion of the Preserve is wetlands, considerable area is not wetlands nor is it subject to floodplain restrictions, and could thus accommodate future development.

We support the conclusion of the SEIS that the Parkway right-of-way width can be somewhat reduced, but we also agree that the planned trail and landscape areas should continue to be part of the project. We see this as a way to help offset some of the impacts of a major transportation corridor through the south Davis County communities. Where the space is available and we can do so in an appropriate and cost-effective manner, we support this approach.

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We feel that some of the information provided in the SEIS on wildlife impact is misleading because it leads a reader to conclude that the Parkway is passing through a pristine habitat area. In reality, this area has long been affected by agricultural activity, and industrial and residential development. They should be considered as developed suburban areas, as far as wildlife is concerned. Wildlife in the area now must live with many of the impacts described in the SEIS, and these will not change much with the construction of the Parkway. The Parkway project as proposed would, in fact, be beneficial to wildlife in the area as the roadway provides a western limit to development, assuring that a considerable area adjacent to the Great Salt Lake will remain undisturbed in future years.

The SEIS includes a discussion of the growth the Parkway may induce in Davis County and northern Utah. It is our opinion that the Parkway will do very little to induce new growth. Our communities have been growing at a rapid, steady pace for the last 20 years. We anticipate that growth rate to continue for the next 20 years, at which time Davis County will essentially be "built out." This growth has taken place without the Parkway being in place, and will likely continue whether there is a Parkway or not. Our concern is that in order to properly manage that new growth, we will need a roadway similar to the Parkway for our transportation needs. The question is whether we can build the Parkway now while much of the land is still vacant, or if we will have to come back and take out homes and businesses to accomplish it. The Legacy Parkway project as proposed may actually even result in a slightly lower population level in Davis County at build-out, because over 2,000 acres of land west of the Parkway will not be available for development, having been purchased and set aside as a Nature Preserve. This fact, the removal of land from future development potential, should be recognized and acknowledged in the SEIS.

We also understand that comments on the SEIS will be submitted that will propose Redwood Road as an alternative to construction of the Legacy Parkway. Those who are interested in making this proposal have given us a brief, preliminary look at their proposal, but we have not received detailed information or any copies of the proposal we can view and review in detail. We are certain, however, that such a proposal will need review and comment from the communities affected, and would ask your consideration that we may be able to provide comment on the so-called Citizens Smart Growth Alternative, should it be submitted to you. Please give us the opportunity to review and comment on it.

Thank you for your consideration of these comments, and we look forward to a speedy decision on your part.

Sincerely,

Wilf Sommerkorn
Director

Kimberly J. Stevens

From: Wilf Sommerkorn [wilf@co.davis.ut.us]

Sent: Mon 3/21/2005 2:33 PM

To: Legacy

Cc:

Subject: Legacy Parkway SEIS comment

Attachments:  Legacy SEIS Comment.doc(29KB)

Attached is my comment on the Legacy Parkway SEIS.

Thanks for your consideration.

Wilf Sommerkorn

Davis County Community & Economic Development Dept.

LA-7

Davis County Department of Community &
Economic Development
PO Box 618
Farmington, Utah 84025

801-451-3278

wilf@daviscountyutah.gov



WASATCH FRONT REGIONAL COUNCIL

295 North Jimmy Doolittle Road • Salt Lake City, Utah 84116 • www.wfrc.org
Phone Salt Lake: 801.363.4250 • Fax: 801.363.4230 • Phone Ogden: 801.773.5559

LA-8

RECEIVED MAR 23 2005

Glen H. Burton
Chairman
Commissioner, Weber County

Tom Dolan
Vice Chairman
Mayor, Sandy

Ross C. Anderson
Mayor, Salt Lake City

Janice Auger
Mayor, Taylorsville

Ken Bischoff
Commissioner, Weber County

Dave Connors
Mayor, Farmington

Michael J. Cragun
Commissioner, Davis County

Matthew R. Godfrey
Mayor, Ogden

Daniel B. Hancock
Councilman, Morgan County

Michael H. Jensen
Councilman, Salt Lake County

Kent Money
Mayor, South Jordan

Dennis Nordfelt
Mayor, West Valley City

Fred Oates
Mayor, Hamblville

Carol Page
Commissioner, Davis County

Charlie Roberts
Mayor, Tooele

JoAnn B. Seghini
Mayor, Midvale

Jerry Stevenson
Mayor, Layton

Nancy Workman
Mayor, Salt Lake County

Dannie R. McConkie
Utah Association Of Counties

George Garwood
Utah League of Cities & Towns

Robert Grow
Envision Utah

March 17, 2005

Gregory Punske
Environmental Program Manager
Federal Highway Administration-Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, Utah 84118

RE: Legacy Parkway Draft Supplemental Environmental Impact Statement/
Reevaluation and Draft Section 4(f), 6(f) Evaluation, FHWA-UT-EIS-98-02-DS

Dear Mr. Punske:

The Wasatch Front Regional Council supports construction of the Legacy Parkway Project Draft Supplemental Environmental Impact Statement and Draft Section 4(f) 6(f) Evaluation, based on travel forecast and regional long range transportation planning. The Legacy Parkway Project is included in the Regional Council's adopted 2004-2030 Wasatch Front Urban Area Long Range Transportation Plan Update, dated December 2003 and in the adopted 2004-2008 Transportation Improvement Program. It will certainly expand the accessibility to activity centers throughout the corridor from Davis and Salt Lake Counties and will provide improved mobility on existing facilities in the central portion of Davis County and the metropolitan area.

Thank you for the opportunity to review the DSEIS. Our review of the document identified several items that should be considered in completion and publication of the Final Environmental document. The first item is observed in section 1.1.3, page 1-5, 1st paragraph. WFRC completely supports the need for an alternate route to I-15 to mitigate for incidents. However, it is not within the scope of the CMS to propose alternate routes around incidents. Consequently, in the CMS there is only specific demonstration of the primary purpose and need for Legacy Parkway to relieve recurring (not incident-related) congestion. The second item is the mention that the Redwood Road Alternative has I-15 built to 8-lane, yet the Shared Solution has I-15 built to 10-lanes. This difference is identified on pages 3-7 Table 3-3, page 3-11 Capacity Issues 4th paragraph and B-12 Table B-2. The treatment of I-15 should be consistent between the Redwood Road and Shared Solution Alternatives. The third item is in the Air Quality section where it is suggested that consideration be given to the following observations. In section 4.8.3.2 page 4.8-9, Particulate Matter (PM10 and PM 2.5), it is suggested in the first paragraph that the SIP for PM10 was approved by the EPA in December 2002. The December 23,

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Davis • Morgan • Salt Lake • Tooele • Weber

LA-C-11

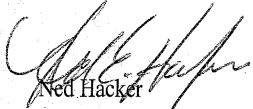
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2002 approval date is only for Utah County, in which case the PM10 approval for Salt Lake County reverts back to July 8, 1994, and should be referenced with that date.

Again, thank you for the opportunity to comment on the DSEIS. We look forward to our ongoing work with FHWA and UDOT in completion of the environmental document for Legacy Parkway and encourage the continued coordination with all of the municipalities affected by the project.

Sincerely,


Ned Hacker
Project Coordinator

cc: John Thomas, Utah Department of Transportation